

Remarks

In view of the amendments and remarks made herein, Applicant respectfully requests allowance of the subject application. This amendment is believed to be fully responsive to all issues raised in the July 13, 2004 Office Action.

Claim Rejections

Claims 1 – 17 stand rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,526,581, issued to *Edson*. Applicant traverses these rejections for at least the following reasons, and respectfully requests that the rejections be reconsidered and withdrawn.

Before discussing each of the claim rejections in detail, a general discussion of *Edson* and the present application is provided. The present application describes implementations in which a non-dedicated remote controller controls a device through a computer facilitator. The computer facilitator provides a user interface (UI) to the remote controller that includes codes that the user can select to control the device. The computer facilitator receives the user-selected codes and translates them into commands understood by the controlled device. Because the facilitator assists the non-dedicated remote controller in controlling the device, neither the remote controller nor the controlled device need have any awareness of the other, or any knowledge as to how to communicate with one another.

1 By contrast, *Edson* describes a system for enabling in-home
2 communications between devices. A gateway provides communications
3 functions, such as network interfacing, security, and message routing. A computer
4 can be used to cause data, such as software downloads, to be communicated to
5 device interfaces. *Edson's* system is concerned with facilitating communication
6 (e.g., protocol, communication messages, routing) between devices on the
7 network, and not translating user-selected control data into commands understood
8 by a controlled device.
9

10 Turning to the claims, claim 1 is reproduced here:
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12 Claim 1. A remote controlled system comprising:
13 a remote controller; and
14 a general-purpose computer coupled to communicate with the
15 remote controller and a controlled device to facilitate remote control
16 of the controlled device by the remote controller.
17

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19 Claim 1 is directed to a remote controller and a general-purpose computer
20 coupled to the remote controller to facilitate remote control of a controlled device.
21 The Office asserts that the elements of claim 1 are shown in *Edson's* Abstract,
22 Figures 1-2, and column 3, lines 46-59. Figure 1 illustrates *Edson's* in-home
23 network that includes a gateway that enables devices to communicate over the in-
24 home network and to access external communication resources. Figure 1 also
25

1 illustrates a computer and other devices coupled to a gateway so that the devices
2 and communicate via the gateway. Figure 1 does not show a remote controller
3 coupled to a general-purpose computer.

4 Figure 2 illustrates *Edson's* gateway. The gateway provides
5 communication functions, such as routing, firewall protection, and protocol
6 interfacing between different types of networks. For example, the gateway
7 includes specialized application programs, to provide enhanced features, such as
8 an arbitrage service for least cost routing of IP-Telephony services. See *Edson* at
9 col. 9, lines 15-32. Therefore, the gateway is not a general-purpose computer, but
10 rather a specialized system for enabling communications between devices on the
11 network.
12

13 *Edson's* Abstract is reproduced here:

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16 "The present invention utilizes a gateway providing an open
17 software interface to control in-home communications and to enable
18 in-home devices of various divergent technologies to selectively
19 access external communication features. An in-home communication
20 network utilizes any one or more of several available in-home digital
21 networking media to connect the gateway to device interfaces. The
22 gateway comprises interfaces to a plurality of external
23 communication networks, and one or more in-home communication
24 media, a router coupled to the various interfaces and a controller.
25 Each device specific accessing the in-home network connects to
media through a device interface. There will be different interfaces
for enabling access by different types of customer premises devices.
Each device interface provides physical access to the media as well
as functional interfacing, to enable operation with the particular type
of customer premises device. All of the device specific interfaces
implement a standard software referred to as a common application
program interface (API) interface, to enable communication over the

1 media and accessing of in-home and/or external communication
2 services through the gateway.”

3 The foregoing abstract merely describes *Edson's* communication system.
4 The gateway controls communications between devices over a physical media. A
5 common API enables communication over the media. However, the foregoing
6 passage does not describe a remote controller or a general-purpose computer
7 coupled to a remote controller to facilitate remote control of a controlled device by
8 a remote controller.

9
10 Column 3, lines 46-59 of *Edson* is reproduced here:

11 “Hence, each device specific interface includes a physical
12 media interface for coupling to the internal network media and a
13 common application program interface for controlling
14 communication through the physical media interface. The processor
15 of the gateway executes a software program to perform routing
16 control in a manner that is compatible with the control of
17 communication by the application program interface. All of the
18 device specific interfaces utilize this common application program
19 interface. The different types of device interfaces, that is to say for
20 connection of different devices, have different physical interfaces for
21 coupling to the actual devices. Each different device specific
22 interface also has an application program, which is specific to the
23 type of connected device, but is compatible with the common API.”

24 The foregoing passage again merely describes *Edson's* communication
25 system. For example, the gateway performs routing services. Each device
includes an interface for coupling to physical media for communicating via the
physical media. The foregoing does not describe a general-purpose computer
coupled to a remote controller to facilitate remote control of a controlled device.

1 Claim 2 depends from claim 1 and is therefore believed to be allowable for
2 at least the same reasons as claim 1.

3 Turning to claim 3, claim 3 is shown here:

4
5 Claim 3 A remote controlled system of claim 1, wherein
6 the remote controller is embodied as a cellular phone.
7

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9 In the rejection of claim 3, the Office relies on *Edson's* Figures 1-4, column
10 4 lines 36-50, and column 7, line 44 through column 8 line 11. Nowhere in
11 Figures 1-4 does *Edson* show a cellular telephone or a cellular network. Figure 1
12 shows a CATV network, an X-LINK, and an ADSL network, but no cellular
13 network. Figures 1 and 4 show a traditional analog telephone connecting to RJ-11
14 connectors to provide communication over a Plain Old Telephone Service
15 (POTS). Therefore, *Edson* does not disclose a cellular telephone.
16

17 Furthermore, *Edson's* telephone does not embody a remote controller.
18 Column 4, lines 36-50 of *Edson* are reproduced and discussed here:

19 "The in-home media and associated device specific interfaces
20 enable connection of virtually any electrical or electronic device
21 within the premises to the network. In this manner, telephones,
22 computers and peripherals, appliances, alarm systems and video and
23 audio entertainment systems all can communicate via a unified in-
home network. Also, any or all of these in-home devices may
communicate with external systems, via the interfaces to the public
networks provided through the gateway.

24 Other aspects of invention relate to the program code
25 software of the gateway and/or the device specific interfaces, as may
be carried on or installed in one or more computer readable

1 mediums. The program code is for use in a system for providing data
2 communications within a premises and data communications access
3 to wide area network links."

4 The foregoing passage merely indicates that the gateway provides
5 programming and interfaces to enable in-home devices to access an in-home
6 network or external network. The foregoing passage does not disclose a cellular
7 phone embodying a remote controller to control a device.

8 Column 7, line 44 through column 8, line 11 is reproduced here:

9
10 "An appropriate control device 41C controls appliances, such
11 as 41. The control device 41C may send appliance status information
12 or alarms and/or receive control command codes via the network 11.
13 Video devices, such as the TV 42 and/or a VCR (not shown) also
14 send and/or receive digital signals via the network 11. It is also
15 envisioned that the user will have one or more personal computers
16 (PCs) 43 coupled to the network. The PC preferably provides a user
17 interface to allow monitoring and control of other devices on the
18 network 11 and provides a terminal for the user interface to the
19 gateway 13. Devices such as appliance control 41C, TV 42 and PC
20 43 may connect to the first media 21, or as shown, they may connect
21 to a second available media, such as the power line 23.

22 In accord with the invention, each device connects to one of
23 the physical in-home media 21 or 23 through a device interface D.
24 Looking toward the network side, each such device interface
25 provides a physical connection to the network media 21 or 23 and
two-way digital communication over the media, in accord with the
standard protocol utilized on that media. For example, the D1
interfaces 311, 312, 313, 314 implement an HPNA (Home Phoneline
Network Alliance) standard interface protocol for digital
communication over the twisted wire pair 21. The D2 interfaces 321,
322, 323 implement one of the available protocols for carrier
communication over the power line 23.

Each device interface also implements a standard, open
application program interface (API), for communications with the
gateway 13. Essentially, the API implements a predetermined set of

1 communication functions and messages, for use in communications
2 over the media with the gateway 13. The API also implements a
3 standard set of function calls and response messages, for interfacing
4 through a higher level application and appropriate hardware to a
5 connected device."

6 The foregoing passage merely discloses a gateway that enables devices on
7 one or more networks to communicate. The gateway includes communication
8 functions, protocols and interfaces to connect one or more networks. The
9 foregoing passage does not disclose a cellular phone embodying a remote
10 controller to control a device. Indeed, the above portions of *Edson*, as well as the
11 remainder of *Edson*, do not even disclose a cellular phone.

12 For at least the foregoing reasons, *Edson* fails to disclose all of the elements
13 of claim 3. Claim 3 is therefore believed to be allowable.

14 Claims 4-8 each depend in some form from claim 1. Therefore, claims 4-8
15 are believed to be allowable for at least the same reasons as claim 1. In addition,
16 each of claims 4-8 recites its own limitations that further distinguish it from
17 *Edson*.

18 Claim 9 is reproduced here:

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21 Claim 9. A remote controlled system of claim 1, further
22 comprising an application program stored and executed on the
23 general-purpose computer, the application program directing the
24 computer to provide UI information to the remote controller that
25

1 may be used by a user to enter control data for controlling the
2 controlled device and to translate the control data received from the
3 remote controller into commands that are sent to the second device
4 to effectuate an action intended by the user.

5
6 Claim 9 recites, in part, an application program directing the computer to
7 provide UI information to the remote controller that may be used by a user to enter
8 control data for controlling the controlled device. Applicants have thoroughly
9 reviewed *Edson* and have found no discussion of an application program directing
10 a computer to provide UI information to a remote controller.

11
12 Furthermore, claim 9 recites control data for controlling the device and
13 translating the control data from the remote controller into commands that
14 effectuate an action intended by the user. Applicants have thoroughly reviewed
15 *Edson* and have found no discussion of control data for controlling the device or
16 translating the control data from a remote controller into commands that effectuate
17 an action intended by the user.

18
19 In support of its rejection of claim 9, the Office cites *Edson* at column 4,
20 lines 45-59, and column 9, lines 15-32, which are reproduced here:

21
22 "Other aspects of invention relate to the program code
23 software of the gateway and/or the device specific interfaces, as may
24 be carried on or installed in one or more computer readable
25 mediums. The program code is for use in a system for providing data
communications within a premises and data communications access

1 to wide area network links. The executable code includes two
2 modules or programs, one for a central processing unit of the
3 gateway the other for the device specific interfaces. The
4 programming for the central processing unit controls the data
5 communications within the premises and the data communications
6 access to the wide area network links. The programming for the
7 central processing unit implements these control functions in a
8 manner compatible with a predetermined application program
9 interface.” (emphasis added).

10 “The programming 109 for the CPU 105 implements an
11 operating system (OS), API software logically complimenting an
12 application program interface implemented in the device specific
13 interfaces D and an application for controlling the communication
14 functions through the network 11. The gateway will also execute
15 specific applications for certain services, such as IP-Telephony
16 through the Internet, web access, etc. The CPU may also execute
17 certain specialized application programs, to provide enhanced
18 features, such as an arbitrage service for least cost routing of IP-
19 Telephony services. The software of the gateway 13 is modular and
20 easily upgraded by replacing or adding upper level application
21 modules. The gateway software also sets priorities for different types
22 of communications. For example, the gateway may assign higher
23 priority to real-time communications, such as IP-telephone service.
24 Software downloads, for example of news items on selected topics,
25 would have a lower priority.” (emphasis added).

17 The passages above state that the programming in the gateway handles data
18 communications such that the data communications are compatible with the
19 application program interface. The programming merely supports the routing and
20 communication protocol functions of the gateway. The programming does not
21 translate control data received from a remote controller into commands that
22 effectuate an action intended by the user.

1 For at least the foregoing reasons, *Edson* fails to disclose all of the elements
2 of claim 9. Claim 9 is therefore believed to be allowable.

3
4 Claim 10 is reproduced here:

5 Claim 10. A remote controlled system of claim 1, further
6 comprising multiple remote controllers and multiple controlled
7 devices, wherein the general-purpose computer is coupled to
8 communicate with the multiple remote controllers and the multiple
9 controlled devices to facilitate remote control of any one of the
10 controlled devices by any one of the remote controllers.
11

12
13 Claim 10 recites in part multiple remote controllers for remote control of any
14 one of multiple controlled devices. As discussed above with respect to claim 1,
15 *Edson* does not discuss a remote controller. The closest that *Edson* comes is to say
16 that the PC allows "monitoring and control of other devices on the network." *Edson*
17 later discloses a browser on the PC can be used to "obtain software downloads to...
18 the device interfaces." See *Edson* at col. 11, lines 32-33. It is clear from *Edson's*
19 disclosure that all that *Edson* means by "control" is control of the flow of data to and
20 from a device, and not actual control of the device.
21

22 For at least the foregoing reasons, *Edson* fails to disclose all of the elements
23 of claim 10. Claim 10 is therefore believed to be allowable.
24
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Turning to claim 11, claim 11 is reproduced here:

11. (original) A remote controlled system comprising:
a first device having a user interface (UI); and
a facilitator communicatively coupled to the first and a second device to facilitate remote control of the second device by the first device, the facilitator providing UI information to the first device that may be used by a user to enter control data for controlling the second device to perform an action, the facilitator translating the control data received from the first device into commands that are sent to the second device to effectuate the action intended by the user.

Claim 11 recites, in part, a first device having a UI and a facilitator coupled to the first device providing UI information to the first device that may be used to enter control data and translating the control data into commands that are sent to the second device to effectuate the action intended by the user. The Office asserts that all of the elements of claim 11 are disclosed in *Edson* in Figures 1-4, column 4, lines 36-51 and column 7, line 44 through column 8, line 11. The referenced excerpts from *Edson* have been reproduced above.

At column 4, lines 36-41, *Edson* merely indicates that the gateway controls data communications to enable in-home devices to access an in-home network or external network. At column 7, line 58 through column 8, line 11, *Edson* merely

1 indicates that each device connects to the physical media through a device
2 interface. These passages do not discuss a facilitator providing UI information to
3 a first device that may be used to enter control data and translating the control data
4 into commands that are sent to a second device to effectuate the action intended by
5 the user.

6 At column 7, lines 44-57, *Edson* states that the PC preferably can provide a
7 user interface for monitoring devices on the network from the computer.
8 However, *Edson* does not disclose a facilitator communicatively coupled to a first
9 and a second device to facilitate remote control of the second device by the first
10 device, in which the facilitator provides UI information to the first device that may
11 be used by a user to enter control data for controlling the second device to perform
12 an action. Furthermore, *Edson's* system does not include a facilitator for
13 translating the control data into commands that are sent to the second device to
14 effectuate the action intended by the user.
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16 For at least the foregoing reasons, *Edson* fails to disclose all of the elements
17 of claim 11. Claim 11 is therefore believed to be allowable.
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19 Claims 12-17 each depend in some form from claim 11. Therefore, claims
20 12-17 are believed to be allowable for at least the same reasons as claim 11. In
21 addition, each of claims 12-17 recites additional limitations that further distinguish
22 them from *Edson*.

23 In particular, claim 16 includes limitations that are not shown in *Edson*.

24 Claim 16 is reproduced here:
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3 16. A remote controlled system of claim 11, wherein the
4 UI of the first device comprises one or more input components to
5 permit user entry of the control data, the UI information being
6 associated with the input components so that selection of a particular
7 input component by the user results in generation of particular
8 control data.
9

10 The Office asserts that *Edson* discloses the elements of claim 16 in Figures
11 1-2; column 4, lines 36-50; column 7, lines 44-57; and column 10, lines 7-23.
12 Figures 1-2; column 4, lines 36-50, and column 7, lines 44-57 are discussed above.
13 None of those sections or figures discloses a UI of a first device having one or
14 more input components to permit user entry of the control data and UI information
15 associated with the input components so that selection of a particular input
16 component by the user results in generation of particular control data.
17

18 Column 10, lines 7-23 of *Edson* are reproduced here:
19

20 "The network 11 preferably connects to at least two outside
21 networks, and at least one of those networks provides a relatively
22 broadband grade of digital communication service. The user will
23 subscribe to services of the two or more external networks. For the
24 external communications, the gateway router 101 and firewall 101
25 connect to two or more interface cards coupled to the lines or links
to the external networks, to which the user subscribes. The external
network interface cards are plug-in cards that are easily selected and
swapped in and out of the housing of the gateway. In this manner,

1 the manufacturer can supply the number and type of cards chosen for
2 each installation to match the user's wide area network subscriptions.
3 In each case, however, the gateway 13 would include wide area
4 network interface cards for at least two different external network
5 connections. The user could add and/or remove external network
6 interface cards as the user changes external network service
7 subscriptions."

8 The foregoing passage discusses how *Edson's* network can connect to
9 outside networks. The foregoing passage includes no mention of a UI that
10 comprises one or more input components to permit user entry of the control data
11 and UI information being associated with the input components so that selection of
12 a particular input component by the user results in generation of particular control
13 data. As such, claim 16 clearly recites elements that are not disclosed in *Edson*.

14 Conclusion

15 Claims 1 - 17 are believed to be in condition for allowance. Applicant
16 respectfully requests reconsideration and prompt issuance of the present
17 application. Should any issue remain that prevents immediate issuance of the
18 application, the Office is encouraged to contact the undersigned attorney to discuss
19 the unresolved issue.

20 Respectfully Submitted,

21
22 Dated: 10/13/04

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